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January 25, 2024

VIA ECF

The Honorable George C. Hanks, Jr.
United States District Judge
United States Courthouse
515 Rusk Street, Room 6206
Houston, Texas 77002

Re: *In re Alta Mesa Resources, Inc. Securities Litigation*, Case No. 19-CV-00957

Dear Judge Hanks:

We write to provide a brief summary of the status of the above-referenced class action in advance of the January 26, 2024 Status Conference.¹ Fact and expert discovery are complete.

Defendants' Summary Judgment Motions

Five Defendants moved for summary judgment on August 31, 2023 (before the close of expert discovery). Their three motions directed against the Class Claims are fully briefed, as summarized in the table below. To streamline their oppositions and avoid duplicative filings, Class Plaintiffs filed a single omnibus transmittal declaration (Dkt. 444) in opposition to those three motions for summary judgment.

The other fourteen defendants moved for summary judgment on December 22, 2023, which was the deadline for such motions. To avoid duplicative filings in opposition, Class Plaintiffs filed a single omnibus transmittal declaration (Dkt. 569), which incorporates by reference their prior transmittal declaration. The exhibits to the two transmittal declarations are numbered consecutively (*i.e.* Dkt. 444 attaches exhibits PX 1 through PX 202 and Dkt. 569 attaches exhibits PX 203 through PX 395). Those motions will be fully briefed by February 2, 2024, per Dkt. 547.

The motions for summary judgment targeting the Class Claims (in addition to the Individual Action Claims on similar grounds) are summarized in the table below.

¹ As the Court will recall, the Class action has been consolidated with two other actions that assert additional claims not asserted on behalf of the Class (the "Individual Actions" and the "Individual Action Claims") (Dkt. 259).

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<i>Summary Judgment Motions (Class Claims and Individual Action Claims)</i>			
Moving Party	Motion	Opposition	Reply
Defendant Dimitrievich	Dkt. 422	Dkt. 446	Dkt. 468
Defendants HPS, BCE, and ARM Energy	Dkt. 423	Dkt. 445	Dkt. 463
Defendant McMullen	Dkt. 427	Dkt. 449	Dkt. 466
Defendants Riverstone, Coats, & Walker	Dkt. 518	Dkt. 570	Due Feb. 2
The “Proxy Defendants” – Riverstone, AMR, Hackett, Tepper, Walters and Gutermuth	Dkt. 520	Dkt. 571	Due Feb. 2
Defendants AMR, Chappelle, Ellis and Smith	Dkt. 523	Dkt. 572	Due Feb. 2
The “AMR Directors” – Hackett, Tepper, Walters, Gutermuth, Sinclair, Leuschen and Lapeyre	Dkt. 526	Dkt. 573	Due Feb. 2

Additionally, unrelated to the Class Claims, two Defendants filed a motion for summary judgment against the Individual Action Claims on August 31, 2023, which is fully briefed. Fourteen other Defendants filed a motion for summary judgment directed only against the Individual Action Claims on December 22, 2023, which will be fully briefed by February 2, 2024. The summary judgment motions targeting the Individual Action Claims are summarized in the table below.

<i>Summary Judgment Motions (Individual Action Claims Only)</i>			
Moving Party	Motion	Opposition	Reply
Defendants Dimitrievich and McMullen	Dkt. 424	Dkt. 460	Dkt. 476
Defendants Riverstone, AMR, Hackett, Walker, Gutermuth, Tepper, Walters, Coats, Chappelle, Ellis, Smith, Leuschen, Lapeyre, Jr., Sinclair	Dkt. 521	Dkt. 578	Due Feb. 2

Daubert Motions and Class Plaintiffs’ Motion to Strike

Class Plaintiffs filed four *Daubert* motions directed at certain opinions of Defendants’ experts Whitehead, Fiebig, Fetkovich and Rasor. Each of Class Plaintiffs’ *Daubert* motions has a separate declaration attaching the supporting exhibits.

Defendants filed *Daubert* motions related to the opinions of Class Plaintiffs’ expert witnesses Feinstein, Regan, Badawi, Kirkland, and McGowen and Individual Action Plaintiffs’ expert Nye.²

The Individual Action Plaintiffs separately filed *Daubert* motions directed at the opinions of Defendants’ expert witnesses Boone, Whitehead and Pully.

² Defendants moved against Class Plaintiffs’ expert Dr. Feinstein and Individual Action Plaintiffs’ expert Dr. Nye in a single motion. That motion is separately opposed. Class Plaintiffs oppose with respect to Dr. Feinstein and the Individual Action Plaintiffs oppose with respect to Dr. Nye.

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All *Daubert* motions will be fully briefed by February 2, 2024, per Dkt. 547, and are summarized in the tables below.

<i>Daubert Motions (Class)</i>			
Filing Party & Expert Challenged	Motion	Opposition	Reply
Defendants' Motion re Class Expert James Johnson	Dkt. 507	Dkt. 553	Due Feb. 2
Defendants' Motion re Class Expert Taylor Kirkland	Dkt. 508	Dkt. 555	Due Feb. 2
Defendants' Motion re Class Expert Harold McGowen	Dkt. 509	Dkt. 557	Due Feb. 2
Defendants' Motion re Class Expert Prof. Adam Badawi	Dkt. 510	Dkt. 549	Due Feb. 2
Defendants' Daubert Motion re Class Expert Steven Feinstein (& Individual Action Expert Nye)	Dkt. 511	Dkt. 559 (Feinstein)	Due Feb. 2
Defendants' Motion re Class Expert D. Paul Regan	Dkt. 512	Dkt. 551	Due Feb. 2
Class Plaintiffs' Motion re Defense Expert Robert Rasor's Statistical Analysis	Dkt. 513	Dkt. 566	Due Feb. 2
Class Plaintiffs' Motion re Defense Expert Edward Fetkovich's Economic Analysis	Dkt. 516	Dkt. 564	Due Feb. 2
Class Plaintiffs' Motion re Defense Expert Charles Whitehead's Opinion No. 1	Dkt. 519	Dkt. 567	Due Feb. 2
Class Plaintiffs' Motion re Defense Expert John Fiebig	Dkt. 535	Dkt. 565	Due Feb. 2

<i>Daubert Motions (Individual Actions)</i>			
Filing Party & Expert Challenged	Motion	Opposition	Reply
Defendants' Daubert Motion re Class Expert Steven Feinstein & Individual Actions Expert Zachary Nye	Dkt. 511	Dkt. 561 (Nye)	Due Feb. 2
Individual Action Plaintiffs' Motion re Defense Expert Prof. Audra L. Boone, Ph.D.	Dkt. 514	Dkt. 586	Due Feb. 2
Individual Action Plaintiffs' Motion re Defense Experts Steven Pully and Charles Whitehead	Dkt. 522	Dkt. 568 & 574	Due Feb. 2

Contemporaneously with the filing of their oppositions to Defendants' December 22, 2023 motions for summary judgment, Class Plaintiffs filed a motion to strike from the summary judgment record a memo prepared for Alta Mesa by KPMG, on which certain defendants' summary judgment motions rely. (Dkt. 582). Pursuant to the Local Rules, that motion to strike will be fully briefed no later than February 16, 2024.

Contested Motions to Seal/Unseal

Class Plaintiffs' motion to unseal Defendant McMullen's Motion for Summary Judgment and Accompanying Exhibits (Dkt. 442) and Defendant Dimitrievich's motion to seal portions of motions for summary judgment (Dkt. 425) are fully briefed. The parties continue the meet and confer process regarding the confidentiality designations of evidence associated with the briefing

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on the summary judgment and *Daubert* filings, and Class Plaintiffs expect additional motion practice will be necessary.

Trial-Related Issues

The case is set for a docket call on April 12, 2024, and the Court has advised that the case is to be set for a jury trial on the Court's May 2024 calendar (Dkt. 376).

Class Plaintiffs thank the Court for its attention to the matter and look forward to addressing any questions Your Honor may have at the January 26, 2024 Status Conference.

Respectfully submitted,

/s/ Andrew J. Entwistle

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